

ASSEMBLY BILL

No. 2722

Introduced by Assembly Member Canciamilla

February 24, 2006

An act to amend Section 60200 of the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 2722, as introduced, Canciamilla. Instructional materials: adoption and use.

Existing law requires the State Board of Education to adopt at least 5 separate basic instructional materials, as defined, for use in kindergarten and each of grades 1 to 8, inclusive, in language arts, mathematics, science, social science, bilingual or bicultural subjects, known as the core subjects, and any other subject, discipline or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable. Existing law prescribes specific criteria by which instructional materials for use in kindergarten and each of grades 1 to 8, inclusive, are to be reviewed for adoption. Existing law authorizes instructional materials to be submitted for adoption no less than 2 times every 6 years for the core subjects, and no less than 2 times every 8 years for any other subject, discipline or interdisciplinary area.

This bill would prohibit the state board from adopting basic instructional materials in language arts or mathematics for the same grade level in successive years. The bill would require the State Board of Education to allow the continued use of certain instructional materials for at least 2 years following the 6th year after those instructional materials are adopted if specified conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60200 of the Education Code is
2 amended to read:
3 60200. The state board shall adopt basic instructional
4 materials for use in kindergarten and grades 1 to 8, inclusive, for
5 governing boards, subject to the following provisions:
6 (a) The state board shall adopt at least five basic instructional
7 materials for all applicable grade levels in each of the following
8 categories:
9 (1) Language arts, including, but not limited to, spelling and
10 reading. *However, the state board may not adopt basic*
11 *instructional materials in this category or the category specified*
12 *by paragraph (2) in the year succeeding the year in which the*
13 *state board adopts basic instructional materials in this category*
14 *for the same grade level.*
15 (2) Mathematics. *However, the state board may not adopt*
16 *basic instructional materials in this category or the category*
17 *specified by paragraph (1) in the year succeeding the year in*
18 *which the state board adopts basic instructional materials in this*
19 *category for the same grade level.*
20 (3) Science.
21 (4) Social science.
22 (5) Bilingual or bicultural subjects.
23 (6) Any other subject, discipline, or interdisciplinary areas for
24 which the state board determines the adoption of instructional
25 materials to be necessary or desirable.
26 (b) The state board shall adopt procedures for the submission
27 of basic instructional materials in order to comply with each of
28 the following:
29 (1) (A) Instructional materials may be submitted for adoption
30 in any of the subject areas pursuant to paragraphs (1) to (5),
31 inclusive, of subdivision (a) not less than two times every six
32 years and in any of the subject areas pursuant to paragraph (6) of
33 subdivision (a) not less than two times every eight years. The
34 state board shall ensure that curriculum frameworks are reviewed
35 and adopted in each subject area consistent with the six- and

1 eight-year submission cycles and that the criteria for evaluating
2 instructional materials developed pursuant to subdivision (b) of
3 Section 60204 are consistent with subdivision (c). The state
4 board may prescribe reasonable conditions to restrict the
5 resubmission of materials that have been previously rejected if
6 those resubmitted materials have no substantive changes.

7 *(B) Upon the request of a local educational agency, the state*
8 *board shall allow the continued use of instructional materials*
9 *adopted in mathematics after January 1, 2001, and adopted in*
10 *language arts after January 1, 2002, for no less than two years*
11 *following the sixth year after the adoption, provided that the*
12 *local educational agency certifies that each pupil has been*
13 *provided with the adopted materials and that the materials are in*
14 *serviceable condition for continued use. The state board may*
15 *refuse the request of a local educational agency if the state board*
16 *makes any one of the following findings regarding the*
17 *instructional materials proposed for continued use:*

- 18 *(i) They are not available to each pupil.*
19 *(ii) They are not in serviceable condition.*
20 *(iii) They are not aligned to the state content standards.*
21 *(iv) They are inappropriate in the context of confirmed*
22 *scientific research.*

23 (2) Submitted instructional materials shall be adopted or
24 rejected within six months of the submission date of the materials
25 pursuant to paragraph (1), unless the state board determines that
26 a longer period of time, not to exceed an additional three months,
27 is necessary due to the estimated volume or complexity of the
28 materials for that subject in that year, or due to other
29 circumstances beyond the reasonable control of the state board.

30 (c) In reviewing and adopting or recommending for adoption
31 submitted basic instructional materials, the state board shall use
32 the following criteria, and ensure that, in its judgment, the
33 submitted basic instructional materials meet all of the following
34 criteria:

- 35 (1) Are consistent with the criteria and the standards of quality
36 prescribed in the state board's adopted curriculum framework. In
37 making this determination, the state board shall consider both the
38 framework and the submitted instructional materials as a whole.

(2) Comply with the requirements of Sections 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state board's guidelines for social content.

(3) Are factually accurate and incorporate principles of instruction reflective of current and confirmed research.

(4) Adequately cover the subject area for the grade level or levels for which they are submitted.

(5) Do not contain materials, including illustrations, that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo. Materials, including illustrations, that contain a commercial brand name, product, or corporate or company logo may not be used unless the board determines that the use of the commercial brand name, product, or corporate or company logo is appropriate based on one of the following specific findings:

(A) If text, the use of the commercial brand name, product, or corporate or company logo in the instructional materials is necessary for an educational purpose, as defined in the guidelines or frameworks adopted by the ~~State Board of Education~~ *state board*.

(B) If an illustration, the appearance of a commercial brand name, product, or corporate or company logo in an illustration in instructional materials is incidental to the general nature of the illustration.

(6) Meet other criteria as are established by the state board as being necessary to accomplish the intent of Section 7.5 of Article IX of the California Constitution and of Section 1 of this act, provided that the criteria are approved by resolution at the time the resolution adopting the framework for the current adoption is approved, or at least 30 months prior to the date that the materials are to be approved for adoption.

(d) If basic instructional materials are rejected, the state board shall provide a specific, written explanation of the reasons why the submitted materials were not adopted, based upon one or more of the criteria established under subdivision (c). In providing this explanation, the state board may use, in whole or in part, materials written by the commission or any other advisers to the state board.

1 (e) The state board may adopt fewer than five basic
2 instructional materials in each subject area for each grade level if
3 either of the following occurs:

4 (1) Fewer than five basic instructional materials are submitted.

5 (2) The state board specifically finds that fewer than five basic
6 instructional materials meet the criteria prescribed by paragraphs
7 (1) to (5), inclusive, of subdivision (c), or the materials fail to
8 meet the state board's adopted curriculum framework. If the state
9 board adopts fewer than five basic instructional materials in any
10 subject for any grade level, the state board shall conduct a review
11 of the degree to which the criteria and procedures used to
12 evaluate the submitted materials for that adoption were consistent
13 with the state board's adopted curriculum framework.

14 (f) ~~Nothing in this~~ *This section shall* does not limit the
15 authority of the state board to adopt materials that are not basic
16 instructional materials.

17 (g) If a district board establishes to the satisfaction of the state
18 board that the state-adopted instructional materials do not
19 promote the maximum efficiency of pupil learning in the district,
20 the state board shall authorize that district governing board to use
21 its instructional materials allowances to purchase materials as
22 specified by the state board, in accordance with standards and
23 procedures established by the state board.

24 (h) Consistent with the quality criteria for the state board's
25 adopted curriculum framework, the state board shall prescribe
26 procedures to provide the most open and flexible materials
27 submission system and ensure that the adopted materials in each
28 subject, taken as a whole, provide for the educational needs of
29 the diverse pupil populations in the public schools, provide
30 collections of instructional materials that illustrate diverse points
31 of view, represent cultural pluralism, and provide a broad
32 spectrum of knowledge, information, and technology-based
33 materials to meet the goals of the program and the needs of
34 pupils.

35 (i) Upon making an adoption, the state board shall make
36 available to listed publishers and manufacturers and all school
37 interests a listing of instructional materials, including the most
38 current unit cost of those materials as computed pursuant to
39 existing law. Items placed upon lists shall remain thereon, and be
40 available for procurement through the state's systems of

1 financing, from the date of the adoption of the item and until a
2 date established by the state board. The date established by the
3 board for continuing items on that list shall be the earlier of not
4 more than six years from the date of adoption for instructional
5 materials pertaining to subject areas designated in paragraphs (1)
6 to (5), inclusive, of subdivision (a), and not more than eight years
7 from the date of adoption for instructional materials pertaining to
8 subject areas designated in paragraph (6) of subdivision (a), or
9 the date on which the state board adopts instructional materials
10 based upon a new or revised curriculum framework. Lists of
11 adopted materials shall be made available by subject and grade
12 level. The lists shall terminate and shall no longer be effective on
13 the date prescribed by the state board pursuant to this
14 subdivision.

15 (j) The state board may approve multiple lists of instructional
16 materials, without designating a grade or subject, and the state
17 board may designate more than one grade or subject whenever it
18 determines that a single subject designation or a single grade
19 designation would not promote the maximum efficiency of pupil
20 learning. Any materials so designated may be placed on single
21 grade or single subject lists, or multigrade or interdisciplinary
22 lists, or may be placed on separate lists including other materials
23 with similar grade or subject designations.

24 (k) A composite listing in the format of an order form may be
25 used to meet the requirements of this section.

26 (l) The lists maintained pursuant to this section shall not be
27 deemed to control the use period by any local district.

28 (m) The state board shall give publishers the opportunity to
29 modify instructional materials, in a manner provided for in
30 regulations adopted by the state board, if the state board finds
31 that the instructional materials do not comply with paragraph (5)
32 of subdivision (c).

33 (n) ~~Nothing in this section shall be construed to~~ *does not*
34 prohibit the publisher of instructional materials from including
35 whatever corporate name or logo on the instructional materials
36 that is necessary to provide basic information about the
37 publisher, to protect its copyright, or to identify third party
38 sources of content.

39 (o) The state board may adopt regulations that provide for
40 other exceptions to this section, as determined by the board.

1 (p) The Superintendent of ~~Public Instruction~~ shall develop,
2 and the ~~State Board of Education~~ *state board* shall adopt,
3 guidelines to implement this section.

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